

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
GRAND JUNCTION FIELD OFFICE

DECISION RECORD

Little Book Cliffs Wild Horse Range Bait Trap Removal

DOI-BLM-CO-130-2013-018-EA

DECISION:

Based on the analysis in Environmental Assessment (EA) No. DOI-BLM-CO-130-2013-018-EA, it is my decision to implement a gather along with fertility control application in the Little Book Cliffs Wild Horse Range (LBCWHR) as described in the Proposed Action of the EA with the **exception** of utilizing a helicopter in gather operations. A helicopter will not be used for gathering excess wild horses in 2013 or 2014. This alternative best implements the planning decisions from the Grand Junction Field Office Resource Management Plan and Little Book Cliffs Wild Horse Range Management Plan to manage for a balance between a healthy population of wild horses and improvements in range condition, wildlife habitat, and watershed condition.

I have carefully considered all public comments received on the EA. These public comments reveal an interest in public lands management and sincere concern for the management of wild horses on public lands

The BLM plans to bait/water trap and remove up to 50 excess wild horses from the Little Book Cliffs Wild Horse Range. The number of horses removed will be based upon current range conditions and utilization levels with a decision to be made around August 20, 2013. If utilization levels are light to moderate in August 2013 the population would be gathered down to approximately 130 to 140 head to provide some relief of grazing pressure to forage plants. If utilization levels are heavy to extreme up to 50 wild horses may be removed. Gather operations will begin around September 3, 2013 and may continue up to December 1 if necessary and conditions allow. In the event the desired number of horses to remove are not captured in 2013 additional horses may be removed in 2014 by bait/water trapping if range conditions dictate so. No more than 50 horses would be removed from the LBCWHR during the 2013 and 2014 gather operations. No fewer than 110 horses would remain on the range. Wild horses selected for removal will be 5 years or younger and meet herd characteristic objectives and the removal considerations outlined in the 2002 Population Management Plan. Selection of horses to remove will be coordinated with the Friends of the Mustangs (FOM). Hair samples for DNA analysis will be obtained from all horses released back to the range unless safety of the wild horse or personnel is jeopardized.

Any wild horses outside of the LBCWHR will be gathered. Wild horses trapped outside of the LBCWHR would go through the same selection process as those on the range. Horses trapped outside not selected for removal would be returned to the LBCWHR.

Fertility Control will be a component of the gather operations. All previously untreated mares captured and selected for release back to the range would be treated with a primer dose of PZP prior to release. Mares would be treated using BLM approved remote application devices (i.e. CO2 Dan Inject). Mares treated would be added to the current data base of treated mares and monitored for success of the fertility drug and any behavior changes. Depending on age, genetics and herd demographics, each mare may be treated with a booster dose of PZP after three weeks or at a later date. In addition, mares that have been treated prior to the gather may be boosted while in the trap if they meet the criteria laid out in the current fertility control program.

Multiple trap sites will be used to capture the wild horses. The traps will consist of portable panels set up at either selected bait and/or water sites frequented by wild horses. Certified weed-free hay or other attractants (such as mineral, processed cubes, or salt) will be used to lure horses to the area. Water traps will be utilized if baits are not attracting the horses. Prior to any wild horses being captured, the trap or bait will be in place to accustom wild horses to their presence. When a band of horses or individuals enters the trap, the gate will be closed by BLM or volunteers. Animals identified for removal will be sorted at the trap site and transported to a holding facility in Grand Junction with horse/stock trailers pulled behind trucks. Horses removed would be offered up for adoption in Grand Junction, Colorado shortly following the gather.

Any animals not identified for removal will be released back onto the range. When an animal is captured and must be held before being transported to the holding facility, the animal(s) would be provided with feed and water at the trap site. Trap sites would most likely be placed in areas shown on Map 3 within the EA. Other sites may be used as necessary based upon flow and success of the bait/water trap operation.

A few wild horses that are captured but identified for return to the range may be moved to another location within the LBCWHR to help sustain genetic diversity and/or distribution. For example a horse gathered in the Monument Rocks area may be moved to the North Soda area. These movements would be determined at the time of capture.

Appropriate site-specific clearances and review for cultural resources and vegetative species of concern will be conducted at each trap site prior to set up (if an area was not previously utilized or is without developments on site). The trap sites will be located in previously disturbed areas if possible. These areas will be monitored for noxious weeds over the next several years. All sites will be assessed for post bait/water trap reseeding. All capture and handling activities (including capture site selection) will be conducted in accordance with the standard operating procedures (SOPs) found in Appendix B.

In addition, all domestic animals will be removed during this bait trap removal as well. As per state law, the "estrays horses" will be turned over to the Colorado Brand Inspector. As of July 22, 2013, there are no known domestic horses to be removed.

ALTERNATIVES CONSIDERED BUT NOT SELECTED

The No Action alternative was analyzed in detail but not selected.

RATIONALE FOR DECISION:

This decision is based on the EA and FONSI and its compliance with policy and 43 CFR Part 4700 and the Wild Horse and Burro Act of 1971.

In addition, the decision conforms to the Grand Junction Resource Management Plan, (Record of Decision (ROD), 1987), which calls for the LBCWHR to be managed within the established Appropriate Management Level (AML) of 90 – 150 wild horses. Maintaining the AML will help prevent deterioration of rangelands and balance wild horses with other public rangeland resources and uses.

The decision will meet the objective of this gather to match the population of wild horses with appropriate vegetation utilization levels to maintain healthy rangelands and sustain a healthy wild horse population. The intent is to maintain utilization at proper levels of 60% use or less to reduce grazing impacts to forage plants. Utilization levels have been above acceptable levels for 3 of the past 4 years. Removing up to 50 wild horses would maintain a thriving natural ecological balance.

The current population is estimated to be 149 to 152 wild horses excluding 2013 foals. The estimated population of the LBCWHR at the time of the gather including the 2013 foals would be 159 to 162 horses based on a current foal count of 5 and the potential for 5 more. Removing up to 50 excess wild horses is projected to leave approximately 110 horses on the range including some 2013 foals. The removal would reduce grazing pressure on forage plants that have been subject to heavy and severe grazing for three out of the past four years. This population level adjustment along with the fertility control program, which would keep growth rates below 15%, will attain an appropriate utilization level for the next several years, given adequate moisture. In any event the proposed action would not result in fewer than 110 wild horses being left in the LBCWHR. If utilization levels are at a moderate or less level in August 2013, fewer horses would be removed.

Bait/Water trapping would provide greater flexibility for the selection process on where and which horses to gather, more options for trap sites and more flexibility with the timeframe to complete the gather in the event of unforeseen delays. Furthermore, qualified, knowledgeable, volunteers are able to work with the BLM to help conduct the trapping and possibly reduce costs.

The use of a helicopter for gathering operations was removed from consideration based on monitoring of current range conditions and utilization levels as determined by a field inspection on July 22, 2013. The option of utilizing a helicopter in 2014 was retained only for an emergency situation. Initially the option of a helicopter was included in the proposed action due to two factors. First, at the time the EA was initiated there was uncertainty of whether drought conditions from 2012 would continue or if some relief would occur in 2013. Second, bait/water trapping has not been utilized in the LBCWHR and the backup of a helicopter was deemed necessary in the event that bait trapping did not achieve the desired removal objective.

Following discussions with other offices that have conducted successful bait/water trapping, success in the LBCWHR seems probable.

AUTHORITIES:

Gathering wild horses is in compliance with Public Law 92-125, the Wild Free-Roaming Horses and Burros Act of 1971 (as amended), Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, the Public Rangelands Improvement Act of 1978 (PRIA) and Code of Federal Regulations (CFR) at 43 CFR Part 4700 which states in part:

§4700.0-6(a): "Wild horses and burros will be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

§4700.0-6(c): "Management activities affecting wild horses and burros will be undertaken with the goal of maintaining free-roaming behavior."

§4710.4: "Management of wild horses and burros will be undertaken with the objective of limiting the animals' distribution to herd areas. Management will be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

§4740.1: Use of Motor Vehicles or Aircraft

(a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses or burros for capture or destruction. All such use will be conducted in a humane manner.

(b) Before using helicopters or motor vehicles in the management of wild horses or burros, the authorized officer will conduct a public hearing in the area where such use is to be...

PUBLIC INVOLVEMENT:

For the EA, BLM conducted internal (interdisciplinary) scoping, and conferred with members of Friends of the Mustangs (FOM) during the month of March 2013.

On June 17, 2013 a letter was mailed to interested members of the public announcing the availability of the EA for comment. A press release was also sent out on June 17, 2013. The EA was posted on the BLM Grand Junction Field Office website and comments were accepted for 30 days.

Approximately 6520 comments were received by email during the EA comment period. Of those, 15 were original comments. In addition, 3 written comments were mailed to the Grand Junction Field Office. A database of the comments has been added to the administrative case file.

On July 9, 2013 a public hearing for the use of motorized vehicles and helicopters for wild horse management by BLM in the State of Colorado was held in Grand Junction, Colorado.

Public comments have been considered in the development of the EA, Finding of No Significant Impact (FONSI) and Decision Record.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed gather and application of fertility control is in conformance with the Grand Junction Resource Management Plan, Final Environmental Impact Statement (FEIS) and Record of Decision

(ROD) (1987) objectives to manage for a balance between a healthy population of wild horses and improvements in range condition, wildlife habitat, and watershed condition.

The proposed action would be in conformance with the Wild Free-Roaming Horses and Burros Act of 1971, (Public Law 92-195 as amended), and with all applicable regulations at 43 CFR Part 4700, and policies outlined by BLM. The Wild Free-Roaming Horses and Burros Act of 1971, Section 1333 (b)(1), states the Secretary of the Interior shall "determine appropriate management levels of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels will be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)."

COMPLIANCE AND MONITORING:

Gather operations and the application of fertility control will be monitored for adherence to the Standard Operating Procedures identified in Appendix B of the EA that are hereby incorporated as part of this Decision. The BLM will continue with vegetation and population monitoring.

FINDING OF NO SIGNIFICANT IMPACT:

A Finding of No Significant Impact (FONSI) was prepared, based on the information contained in the EA and my consideration of criteria for significance (40 CFR §1508.27). It is my determination that: 1) the implementation of the proposed action will not have significant environmental impacts; 2) the Proposed Action is in conformance with the Grand Junction Resource Management Plan; and 3) the Proposed Action does not constitute a major federal action having significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

APPEAL PROCEDURES/ADMINISTRATIVE REMEDIES:

Any person who is adversely affected by this decision may file an appeal in accordance with 43 CFR part 4. 43 CFR §4770.3(a). If you wish to appeal this decision, within 30 days of issuance of the decision you must file a notice of appeal in writing with the Field Manager, Grand Junction Field Office, 2815 H Road, Grand Junction, Colorado 81506. 43 CFR §4.411.

The appeal must state clearly and concisely why you think the decision is in error.

Should you wish to file a petition for stay, in accordance with 43 CFR 4.21(b), the petition must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

The person requesting the stay bears the burden to show that a stay should be granted. If you decide to submit a petition for stay of the decision, a copy of the notice of appeal and petition for stay must be served simultaneously upon the persons and offices identified below:

Field Manager
Grand Junction Field Office
2815 H Road
Grand Junction, Colorado 81506

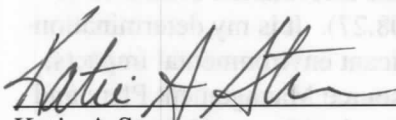
Office of the Regional Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

Office of Hearings and Appeals
Interior Board of Land Appeals
801 North Quincy Street, Suite 300
Arlington, Virginia 22203

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals; therefore, they will not be accepted.

APPROVAL:

The 2013 Little Book Cliffs Wild Horse Range Gather Plan is approved for implementation and is scheduled to begin on or around September 3, 2013. This decision is effective upon issuance in accordance with 43 CFR §4770.3(c).


Katie A Stevens
Grand Junction Field Manager

6 August 2013
Date

Office of the Regional Solicitor
Rocky Mountain Region
755 First Street, Suite 121
Lakewood, Colorado 80215

Field Manager
Grand Junction Field Office
2515 W Road
Grand Junction, Colorado 81506